

October 6, 2008

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

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Elisabeth A. Shumaker  
Clerk of Court

STEPHEN L. HAWKS,

Plaintiff - Appellant,

v.

ANITA CASTILLEJA; BROOKE  
DORMAN,

Defendants - Appellees,

and

CINDY GROOMER; ERIK O. ENGEN,

Defendants.

No. 08-2173  
(D.C. No. 1:07-CV-00348-LH-LAM)  
(D. New Mexico)

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ORDER

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Before **LUCERO, GORSUCH**, and **HOLMES**, Circuit Judges.

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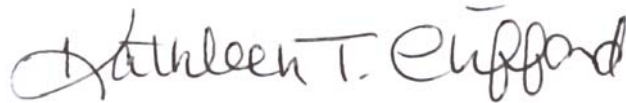
This appeal is before the court based on a show cause order challenging appellate jurisdiction and directing the parties to obtain a district court order *either* granting certification under Fed. R. Civ. P. 54(b) as to the June 30, 2008 Order appealed by Plaintiff Stephen Hawks *or* explicitly adjudicating all remaining claims. *See Stockman's Water Company, LLC v. Vaca Partners, L.P.*, 425 F.3d 1263, 1265 (10th Cir. 2005); *Lewis v. B. F.*

*Goodrich Co.*, 850 F.2d 641, 645-46 (10th Cir. 1988).

This court lacks jurisdiction. The parties failed to move in the district court for a Rule 54(b) certification. Plaintiff's claims against Defendant Greg Abbott are unresolved in the district court. Consequently, the June 30, 2008 Order appealed by Plaintiff Hawks is interlocutory and not immediately appealable under 28 U.S.C. § 1291 or under any recognized exception to the final judgment rule. This order may be appealed upon entry of a final judgment by the district court disposing of all of Plaintiff's claims.

The appeal is **DISMISSED** for lack of appellate jurisdiction. The mandate shall issue forthwith.

Entered for the Court,  
Elisabeth A. Shumaker, Clerk

A handwritten signature in dark ink, reading "Kathleen T. Clifford". The signature is written in a cursive, flowing style.

Kathleen T. Clifford  
Attorney - Deputy Clerk